

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL P. and SHELLIE GILMOR,)
et al.,)
)
Plaintiff,)
)
v.) Case No. 4:10-cv-00189-ODS
)
PREFERRED CREDIT CORPORATION,)
et al.,)
Defendants.)

**SETTLING DEFENDANTS' UNOPPOSED MOTION FOR ADDITIONAL TIME
TO ALLOW FOR FILING OF MOTIONS FOR
PRELIMINARY APPROVAL OF SETTLEMENT**

COME NOW Defendants Wells Fargo Bank, N.A.; Litton Loan Servicing, L.P.; JPMorgan Chase Bank, N.A., as Former Trustee; EMC Mortgage, LLC f/k/a EMC Mortgage Corporation; and Deutsche Bank National Trust Company, individually and in its capacities as indenture trustee of the Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1 (collectively, "Settling Defendants") and respectively request an additional one week, up to and including November 16, 2012, within which to finalize their respective settlement agreements with Plaintiffs, and for Plaintiffs to file Motions for Preliminary Approval of Class Action Settlement. In support of their Motion, the Settling Defendants state:

1. Settling Defendants and Plaintiffs achieved agreements to settle the claims against them in this matter. The settlement agreements, if approved, will settle and resolve the claims of those class members who obtained loans for which Plaintiffs seek to hold the Settling Defendants liable.

2. In light of these settlements, the Court suspended all deadlines relating to Settling Defendants and ordered that Motions for Preliminary Approval of Settlements be filed on or before November 1, 2012. *See, e.g.*, Dkt. E. 729; 757.¹ The Court recently extended that deadline for the Settling Defendants to November 9, 2012. *See* Dkt. E. 806. In the papers requesting that extension, the Settling Defendants noted that that parties had agreed that if an additional week were required to submit such filings because of the disruption caused by Hurricane Sandy, Plaintiffs would consent to such additional week, making the papers due November 16, 2012. *See* Dkt. E. 801.

3. Settling Defendants and Plaintiffs have diligently been working to memorialize their settlement and implement the process through which the settlement can be finalized and submitted to the Court for approval. However, in large part because Hurricane Sandy closed offices and disrupted operations, hampering Settling Defendants' ability to review and execute draft settlement documents, Settling Defendants require a short period of additional time to review and execute the proposed agreements.

4. For these reasons, Plaintiffs and Settling Defendants have agreed to file their respective Motions for Preliminary Approval of Settlement and any associated documents on or before November 16, 2012.

5. Plaintiffs' counsel (Fred Walters, Esq.) was consulted concerning the contents of this Motion and indicated Plaintiffs do not oppose the relief requested herein.

¹ As of the time of this filing, all major claims have been settled in this lawsuit. In light of these settlements, the Court cancelled the pretrial conference originally set for November 1, 2012. *See* Order dated October 29, 2012. Dkt. E. 788. Additionally, the Court also recently allowed settling defendants Wendover Financial Services and Wilmington Trust Company until December 14, 2012 to file any Motions for Preliminary Approval. *See* Dkt. E. 788.

6. WHEREFORE, the Settling Defendants respectfully request an additional week, up to and including November 16, 2012 for the filing of any Motions for Preliminary Approval of Class Action Settlements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was electronically filed on this 9th day of November, 2012, with the Clerk of the Court via the CM/ECF system, which automatically transmits a Notice of Electronic Filing to all counsel of record.

/s/ Daniel L. McClain _____

An Attorney for Defendants